



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JUL 22 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Steve Bliss
Terminal Manager
United Oil Product Terminal #99
70 North Phillippi Street
Boise, Idaho 83706

Re: Clean Water Act Section 308 Information Request

Dear Mr. Bliss:

The United States Environmental Protection Agency (EPA) sends this request for information as part of its investigation of United Oil's compliance with Section 311(j) of the Clean Water Act (CWA), 33 U.S.C. § 1321(j).

Congress has provided EPA the authority to request this information under Section 308 of the CWA, 33 U.S.C. § 1318. Please send the requested information no later than 30 days from your receipt of this letter to Kate Spaulding, Mail Code OCE-101, at the address listed above. Please certify the answers. We have enclosed an example of a certification form that you may use for this purpose.

You may claim that EPA should treat any of the requested information as confidential. Such a claim must follow the procedures in 40 C.F.R. Part 2, Subpart B. EPA will disclose the information covered by such claim only as allowed by that subpart. Making a confidentiality claim does not guarantee that EPA will agree that the information should be kept confidential. If a confidentiality claim is not submitted with the requested information, EPA may make the information available to the public without notice. You are required to provide the requested information even if you claim it to be confidential.

Please note that failure to provide all information requested, failure to adequately explain the basis for such failure, or making any false material statement or representation in response to this request for information constitutes a violation of Section 308 of the CWA, 33 U.S.C. § 1318, and may result in civil penalties of up to \$37,500 per day of violation. In addition, criminal consequences are possible in the case of deliberate false statements. See 33 U.S.C. § 1319; 18 U.S.C. § 1001. If you have questions regarding this request, please contact Kate Spaulding, Enforcement Officer, at (206) 553-5429.

Sincerely,

A handwritten signature in blue ink that reads "Jeff KenKnight, for".

Edward J. Kowalski
Director

Enclosures

1. Information Request
2. Statement of Certification

INFORMATION REQUEST**Instructions**

1. With your response, please provide copies of any documents you have relied upon or used to answer this request, even if you believe they may have been submitted to EPA previously by you or anyone else. Please indicate on each document the question(s) to which it pertains.
2. If information or documents become known or available to you after responding to this request for information, you must supplement your response to EPA as soon as possible. Moreover, if you determine at any time after responding that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible and provide EPA with a corrected response.
3. Please respond to each request to the extent possible. For anything you cannot answer, please explain why.

Definitions

Unless otherwise specified, all terms used in this request shall have the same meanings as in 33 U.S.C. §§ 1321 and 1362.

Request/Questions**Overall**

1. Provide copies of United Oil Product Terminal #99's most recent certified Spill Prevention, Control, and Countermeasure (SPCC) Plan and Facility Response Plan (FRP), including all amendments and attachments in an electronically editable format. If the most recent certified plans do not represent the current configuration and operation of the Facility, provide a detailed description of what has changed.
2. State the distance as well as conveyance and pathway to the nearest Navigable Waters of the United States. The pathway and conveyance may include, but is not limited to a river, creek, intermittent stream, ditch, pond, lake, reservoir, gully, tributary, arroyo, etc., and/or wetland, marsh or sewer. State the name of this water(s) and provide an explanation and all available documentation on how the distance to Navigable Waters of the U.S. was determined.
3. List all downstream and downgradient receiving Navigable Waters of the U.S. waterbodies and the distances to each. Provide the following information about the downstream waterbodies:
 - a. Distance to perennial stream(s).
 - b. Distance to navigable water(s).
 - c. Flow data, including average and peak volumes.
 - d. Evidence of ordinary high water mark.
 - e. Adjacent wetlands.
 - f. Visible connections between wetlands and other water bodies.
 - g. Wetlands and stream functions and uses.
 - h. Impaired water status.

Additionally, provide reasoning and explanation for any information not provided for Items 3a through h.

4. Provide information on sensitive environments, wildlife habitats or refuges, endangered species, water wells, or drinking water intakes located adjacent to the Facility, and in or adjacent to conveyances and navigable waters. List them and state their location and distance from the Facility.



5. Provide a current Facility schematic including the following:
 - a. All bulk storage containers, including aboveground and underground tanks and storage containers at the Facility, with identifiers (e.g., name), including mobile or portable container storage areas and any permanently closed containers. Label any containers that are identified as exempt per 40 C.F.R. § 112.1 (d)(2)(ii).
 - b. All truck and railroad car loading and unloading areas, loading and unloading racks, and bulk transfer areas.
 - c. Facility drainage pathways, including potential locations where spills and/or releases would leave the Facility.
 - d. Property boundaries.
6. List and describe any discharges from the Facility in the last three years in violation of Section 311(b)(3) of the Clean Water Act, 33 U.S.C. § 1321(b)(3). Your description must include, at a minimum:
 - a. Date of the discharge.
 - b. Duration of the discharge.
 - c. Material(s) discharged.
 - d. Amount of material(s) discharged.
 - e. Name and/or other description of the Waters of the United States, other water bodies, or the adjoining shorelines of those waters, into or upon which the material was discharged.
 - f. Distance that the discharged material traveled.
 - g. Any impacts, or threatened impacts, to public health or welfare, or to the environment, as a result of the discharge.
 - h. Facility's response to the discharge.

Additionally, provide all documents related to the discharge.

7. Provide records from the previous three years of Facility oil-handling personnel training and refresher training (e.g., syllabus, training materials, attendance logs, etc.) in accordance with 40 C.F.R. § 112.7(f).

Bulk Storage Containers

8. List and describe all aboveground and underground tanks and storage containers at the Facility, including mobile or portable containers, except for those tanks identified as exempt in 40 C.F.R. § 112.1(d)(2)(ii). Include the following in the description:
 - a. Tank identifier (e.g., name).
 - b. Tank storage capacity and shell capacity with units. If the tank capacity has changed during the time United Oil has owned or operated the Facility, describe how it has changed and when the change occurred.
 - c. Tank specific contents (e.g., unleaded gasoline).
 - d. Tank location (e.g., aboveground or underground).
 - e. Tank description (e.g., shop built, field erected, permanent, mobile/portable).
 - f. Tank uses (e.g., storage, DOT/breakout, how connected/filled).
 - g. Tank original in-service date (e.g., when oil first stored).
 - h. Tank permanent closure date.
 - i. Any major, material repairs that were completed on the tank.
9. Explain how the Facility fully implements SPCC plan requirements at 40 C.F.R. § 112.3(a), particularly in regards to Bulk Storage Containers integrity testing in 40 C.F.R. § 112.8(c)(6). Provide original tank integrity testing schedules and types of tests, including associated standards (e.g., API 653, STI SP001), conducted for all aboveground and underground bulk storage containers, and any modifications or amendments made to the testing schedule.
10. Provide records of tank integrity inspections and tests per inspection and testing schedule, including the initial (baseline, when first conducted, or when tank first placed into service) inspection. Records shall

include major tank repair inspections, change in service inspections, and corrective action(s) (if applicable) of all aboveground and underground bulk storage containers at the Facility. If records of inspections and tests are not available per the schedule, provide records of inspections and tests for the last three years.

11. For bulk storage containers where an impracticability determination has been made per 40 C.F.R. § 112.7(d): provide reasoning and explanation for the impracticability determination and three years of records of periodic integrity testing of containers and integrity and leak testing of associated valves and piping.
12. If not already provided as part of the response to Bulk Storage Containers: Items 9 and 10 above, provide the names of personnel who performed the tests and inspections of aboveground and underground tanks and storage containers, and their associated qualifications. In addition, provide copies of inspector certifications, where applicable.

STATEMENT OF CERTIFICATION

I certify, under the penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

Print Name

Title